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111TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPT. 111–360
Part 1

Clemson University
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NATIONAL PARK SERVICE AUTHORITIES AND CORRECTIONS ACT OF 2009

DECEMBER 7, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

REPORT

[To accompany H.R. 3804]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3804) to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3804 is to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3804 is a package of authorizations, reauthorizations and technical corrections for various units of the National Park System and activities of the National Park Service, introduced at the request of the National Park Service. Among other items, the bill extends the authorizations of the National Park System Advisory Board and the National Park Service Concessions Management Advisory Board, both for ten years. The bill also changes the designation of the Martin Luther King, Junior, National Historic Site to the Martin Luther King, Jr. National Historical Park, to better reflect the size and complexity of the unit.

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Another provision of H.R. 3804 allows the World War II Valor in the Pacific National Monument (formerly known as the U.S.S. Arizona Memorial) in Hawaii to offer joint ticketing services at the monument's new visitor center. This would enable the NPS to offer visitors a central location to buy tickets for the various Pearl Harbor sites. The NPS is barred by current law from charging an entrance fee for the U.S.S. Arizona, and H.R. 3804 would not change that.

H.R. 3804 also addresses an inequity that results in people who violate park regulations being treated differently depending on the type of park unit in which the violation was committed. H.R. 3802 assigns uniform penalties for each violation, regardless of where it occurs. The bill also raises the ceiling for the popular Volunteers in Parks program from $3.5 million to $10 million.

H.R. 3804 also authorizes a land exchange between the George Washington Memorial Parkway and Federal Highway Administration to reflect an agreement signed by the two agencies. The FHA's Turner-Fairbank Highway Research Center is adjacent to the GW Parkway, and FHA has allowed the use of a road on the Center's property to provide access to the popular Claude Moore Colonial Farm, which is inside the parkway boundaries. The FHA has agreed to transfer to NPS a parcel of less than an acre that is needed to keep access to the farm open; in exchange, NPS has agreed to transfer to FHA a strip of land outside the perimeter fence of the research center, and to restrict use on another parcel.

Another provision addresses an outdated law (enacted in 1922) that requires NPS to remove snow in front of federal buildings in the District of Columbia. In practice, the General Services Administration has for many years required the federal agencies occupying the building to remove snow. H.R. 3804 would amend the law to reflect current practice.

The bill also adjusts the boundary lines for the existing wilderness areas in Lava Beds National Monument in California. The total acreage designated remains the same, but the numbers for each of two sections are adjusted based on a further examination that was done of the area. The bill includes a reference to a new map reflecting the updated boundary lines.

The final title of H.R. 3804 makes technical corrections for six provisions in Public Law 111–11 (omnibus parks legislation from earlier this year). The changes include correcting section numbers and titles, and fixing typographical errors.

Committee Action

H.R. 3804 was introduced on October 13, 2009, by Rep. Paul Tonko (D–NY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. At a November 5, 2009, hearing before the Subcommittee, a representative of the Department of the Interior testified that the department supports the bill.

On November 18, 2009, the Subcommittee was discharged from further consideration of H.R. 3804 and the full Natural Resources Committee met to consider the bill. An amendment offered by Rep. Paul Broun (R–GA) to restrict the membership of the National Park System Advisory Board was not agreed to by a roll call vote of 15 yeas and 21 nays, as follows:

COMMITTEE ON NATURAL RESOURCES
U.S. House of Representatives
111th Congress

Date: 11/18/2009 Convened:10:05 Adjourned: 11:13

Meeting on: **HR 3804 - An amendment offered by Mr. Broun #1 was NOT AGREED TO by a roll call vote of 15 yeas and 21 nays.**

Recorded Vote # 3

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✔		*Mr. Wittman, VA*	✔		
Mr. Hastings, WA	✔			Mr. Boren, OK		✔	
Mr. Miller, CA				*Mr. Broun, GA*	✔		
Mr. Young, AK				Mr. Sablan, MP		✔	
Mr. Markey, MA				*Mr. Fleming, LA*	✔		
Mr. Gallegly, CA	✔			Mr. Heinrich, NM		✔	
Mr. Kildee, MI		✔		*Mr. Coffman, CO*	✔		
Mr. Duncan, TN	✔			Mr. Hinchey, NY			
Mr. DeFazio, OR		✔		*Mr. Chaffetz, UT*			
Mr. Flake, AZ	✔			Mrs. Christensen, VI		✔	
Mr. Faleomavaega, AS				*Mrs. Lummis, WY*	✔		
Mr. Brown, SC				Ms. DeGette, CO		✔	
Mr. Abercrombie, HI				*Mr. McClintock, CA*	✔		
Mrs. McMorris Rodgers, WA	✔			Mr. Kind, WI		✔	
Mr. Pallone, NJ				*Mr. Cassidy, LA*	✔		
Mr. Gohmert, TX				Mrs. Capps, CA		✔	
Mrs. Napolitano, CA		✔		Mr. Inslee, WA			
Mr. Bishop, UT	✔			Mr. Baca, CA		✔	
Mr. Holt, NJ		✔		Ms. Herseth Sandlin, SD		✔	
Mr. Shuster, PA				Mr. Sarbanes, MD		✔	
Mr. Grijalva, AZ		✔		Ms. Shea-Porter, NH		✔	
Mr. Lamborn, CO	✔			Ms. Tsongas, MA			
Mrs. Bordallo, GU		✔		Mr. Kratovil, Jr., MD		✔	
Mr. Smith, NE	✔			Mr. Pierluisi, PR		✔	
Mr. Costa, CA		✔					
				Total	15	21	

Markups - 1/3 to meet (16), 25 to report
December 2, 2009 (12:00pm)

An amendment offered by Ranking Member Doc Hastings (R–WA), on behalf of Representative Rob Bishop (R–UT), to restrict the ability of park volunteers to work in areas related to the national park system was not agreed to by a roll call vote of 15 yeas and 20 nays, as follows:

COMMITTEE ON NATURAL RESOURCES
U.S. House of Representatives
111th Congress

Date: 11/18/2009 Convened:10:05 Adjourned: 11:13

Meeting on: **HR 3804 - An amendment offered by Mr. Hastings on behalf of Mr. Bishop #2 was NOT AGREED TO by a roll call vote of 15 yeas and 20 nays.**

Recorded Vote # 4

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✔		*Mr. Wittman, VA*	✔		
Mr. Hastings, WA	✔			Mr. Boren, OK		✔	
Mr. Miller, CA				*Mr. Broun, GA*	✔		
Mr. Young, AK				Mr. Sablan, MP		✔	
Mr. Markey, MA				*Mr. Fleming, LA*	✔		
Mr. Gallegly, CA	✔			Mr. Heinrich, NM		✔	
Mr. Kildee, MI		✔		*Mr. Coffman, CO*	✔		
Mr. Duncan, TN	✔			Mr. Hinchey, NY			
Mr. DeFazio, OR		✔		*Mr. Chaffetz, UT*			
Mr. Flake, AZ	✔			Mrs. Christensen, VI		✔	
Mr. Faleomavaega, AS				*Mrs. Lummis, WY*	✔		
Mr. Brown, SC				Ms. DeGette, CO		✔	
Mr. Abercrombie, HI				*Mr. McClintock, CA*	✔		
Mrs. McMorris Rodgers, WA	✔			Mr. Kind, WI		✔	
Mr. Pallone, NJ				*Mr. Cassidy, LA*	✔		
Mr. Gohmert, TX				Mrs. Capps, CA		✔	
Mrs. Napolitano, CA		✔		Mr. Inslee, WA			
Mr. Bishop, UT	✔			Mr. Baca, CA		✔	
Mr. Holt, NJ		✔		Ms. Herseth Sandlin, SD		✔	
Mr. Shuster, PA				Mr. Sarbanes, MD		✔	
Mr. Grijalva, AZ		✔		Ms. Shea-Porter, NH			
Mr. Lamborn, CO	✔			Ms. Tsongas, MA			
Mrs. Bordallo, GU		✔		Mr. Kratovil, Jr., MD		✔	
Mr. Smith, NE	✔			Mr. Pierluisi, PR		✔	
Mr. Costa, CA		✔					
				Total	15	20	

Markups - 1/3 to meet (16), 25 to report
December 2, 2009 (11:59am)

The bill was then ordered favorably reported to the House of Representatives by voice vote.

Section-by-Section Analysis

Section 1. Short title; table of contents

Section 1 provides that this Act may be cited as the "National Park Service Authorities and Corrections Act of 2009" and provides a table of contents.

Title I—National Park Service Authorizations

Sec. 101. National Park System Advisory Board

Section 101 reauthorizes the National Park System Advisory Board through fiscal year 2020.

Sec. 102. National Park Service Concessions Management Advisory Board

Section 102 reauthorizes the National Park Service Concessions Management Advisory Board through fiscal year 2019.

Sec. 103. National Park System uniform penalties

Section 103 provides that violations in National Park System units shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the "National Park Service Organic Act") and section 3571 of title 18, United States Code.

Sec. 104. Volunteers in the parks

Section 104 increases the funding authorization for the Volunteers in the Parks program from $3,500,000 to $10,000,000.

Title II—Pearl Harbor Ticketing

Sec. 201. Definitions

Section 201 defines terms, including specifying that the term "Pearl Harbor historic site" means a historic attraction within the Pearl Harbor Naval Complex, including the USS Bowfin Submarine Museum and Park, the Battleship Missouri Memorial, the Pacific Aviation Museum—Pearl Harbor, and any other historic attraction that the Secretary of the Interior identifies as a Pearl Harbor historic site and that is not administered or managed by the Secretary.

Sec. 202. Facilitation of admission to historic attractions within Pearl Harbor Naval Complex

Section 202 allows the Secretary of the Interior to enter into an agreement with the organizations that are authorized to manage a Pearl Harbor historic site to allow visitors to gain access to those sites by passing through security screening at the Pearl Harbor Naval Complex Visitor Center.

This section also allows employees of the National Park Service or the organizations that manage a Pearl Harbor historic site to sell tickets to those sites at the Visitor Center. Each organization managing a Pearl Harbor historic site must pay the Secretary a reasonable fee to cover administrative costs, and that revenue will

remain available, without further appropriation, for use by the National Park Service at the World War II Valor in the Pacific National Monument.

The section outlines other administrative requirements and specifies that the Secretary shall have no authority under this bill to charge an entrance fee for admission to the World War II Valor in the Pacific National Monument.

Sec. 203. Protection of resources

Section 203 clarifies that nothing in this Act authorizes the Secretary or any organization that manages a Pearl Harbor historic site to harm the values and resources of the World War II Valor in the Pacific National Monument.

Title III—Changes to National Park Units

Sec. 301. George Washington Memorial Parkway

Section 301 directs the transfer of administrative jurisdiction of certain federal land comprising less than one acre between the Claude Moore Colonial Farm (a National Park Service property within the George Washington Memorial Parkway) and the Federal Highway Administration's Turner-Fairbank Highway Research Center.

Sec. 302. District of Columbia snow removal

Section 302 amends a 1922 law (42 Stat. 845, ch. 318) that made it the responsibility of the National Park Service to remove snow from the sidewalks and crosswalks in front of federal buildings. Under this change, the law will reflect the current practice whereby each federal agency will be responsible for the removal of snow, sleet, or ice from paved sidewalks and crosswalks in front of their own buildings.

Sec. 303. Martin Luther King, Jr. National Historical Park

Section 303 renames the Martin Luther King, Junior, National Historic Site in the State of Georgia, as the Martin Luther King, Jr. National Historical Park, and directs conforming changes in federal documents and signs.

Sec. 304. Lava Beds National Monument wilderness boundary adjustment

Section 304 corrects the acreage numbers for two wilderness areas within Lava Beds National Monument, to reflect more accurate mapping.

Title IV—Technical Corrections

The first four sections of Title IV amend sections of the Omnibus Public Land Management Act of 2009 (Public Law 111–11) to correct typographical and other technical errors relating to the Baltimore National Heritage Area (Section 401), the Muscle Shoals National Heritage Area (Section 402), the Snake River Headwaters wild and scenic river designation (Section 403), and the Taunton River wild and scenic river designation (Section 404).

Section 405 amends the Act establishing Cumberland Island National Seashore (Public Law 92–536) to correct a typographical error.

Section 406 corrects a typographical error in the provision of the Consolidated Natural Resources Act of 2008 (Public Law 110–229) that established the Niagara Falls National Heritage Area.

Committee Oversight Findings and Recommendations

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

Federal Advisory Committee Statement

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

Constitutional Authority Statement

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

Compliance With House Rule XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3804—National Park Service Authorities and Corrections Act of 2009

Summary: H.R. 3804 would make a variety of changes to policies and procedures at the National Park Service (NPS) as well as to

laws governing properties managed by the NPS. The bill also would raise the current ceiling on amounts authorized to be appropriated for a program that supports volunteers working in the national parks. Based on information from the NPS and assuming appropriation of the necessary amounts, CBO estimated that implementing the bill would cost $31 million over the 2010–2014 period.

The bill also would adjust certain fines and penalties for violations of various laws on properties managed by the NPS. CBO estimated that those adjustments would have no significant effect on revenues.

H.R. 3804 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3804 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATIONS						
Estimated Authorization Level	3	6	8	9	10	36
Estimated Outlays	1	5	7	9	9	31

Basis of estimate: For this estimate, CBO assumes that H.R. 3804 will be enacted early in calendar year 2010 and that the necessary amounts will be appropriated each year. Estimates of outlays are based on historical spending patterns of programs that support volunteer workers in the national parks.

H.R. 3804 would raise the current ceiling on amounts authorized to be appropriated for a program that supports volunteers working in national parks, from $3.5 million to $10 million annually. In 2010, the program received an appropriation of about $3 million, and NPS expects the program to expand over the next five years reaching an annual cost of $10 million by 2014. CBO estimates that implementing this provision would cost $31 million over the 2010–2014 period.

The bill also would extend the terms of two advisory boards to the NPS, permit the NPS to enter into agreements with nonprofit organizations at Peal Harbor, designate the current Martin Luther King, Junior, National Historical Site as an historical park, correct errors in the boundaries of the Lava Beds National Wilderness area, authorize a transfer of land between the NPS and the Department of Transportation, clarify policies regarding the responsibility for snow removal by federal agencies, and make technical changes to laws governing properties managed by the NPS. Based on information from the NPS, CBO estimated that none of these changes would have a significant effect on the federal budget.

Intergovernmental and private-sector impact: H.R. 3804 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Sarah Puro; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3804 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 21, 1935

AN ACT To provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes.

* * * * * * *

SEC. 2. The Secretary of the Interior (hereinafter referred to as the Secretary), through the National Park Service, for the purpose of effectuating the policy expressed in section 1 hereof, shall have the following powers and perform the following duties and functions:

(a) * * *

* * * * * * *

(k) Perform any and all acts, and make such rules and regulations not inconsistent with this Act as may be necessary and proper to carry out the provisions thereof. Any person violating any of the rules and regulations authorized by this Act shall be punished by a fine of not more than $500 and be adjudged to pay all [cost of the proceedings.] *cost of the proceedings; except if the violation occurs within an area that is part of the National Park System, where violations shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the "National Park Service Organic Act"), and section 3571 of title 18, United States Code.*

SEC. 3. (a) * * *

* * * * * * *

(f) The National Park System Advisory Board shall continue to exist until January 1, [2010] *2020*. The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) are hereby waived with respect to the Board, but in

all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

* * * * * * *

NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT IMPROVEMENT ACT OF 1998

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

* * * * * * *

SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

(a) * * *

* * * * * * *

(d) TERMINATION.—The Advisory Board shall continue to exist until December 31, [2009] *2019*. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

* * * * * * *

ACT OF MARCH 2, 1933

AN ACT To provide for the protection of national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials under the control of the War Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to prescribe and publish such regulations as he deems necessary for the proper government and protection of, and maintenance of good order in, national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials as are now or hereafter may be under the control of the War Department; and any person who knowingly and willfully violates any such regulation shall be deemed guilty of a misdemeanor and punishable by a fine of not more than $100 or by imprisonment for not more than three months, or by both [such fine and imprisonment.] *such fine and imprisonment; except if the violation occurs within a park, site, monument, or memorial that is part of the National Park System, where violations shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the "National Park Service Organic Act") and section 3571 of title 18, United States Code.*

* * * * * * *

SECTION 4 OF THE VOLUNTEERS IN THE PARKS ACT OF 1969

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not

more than [$3,500,000] *$10,000,000* shall be appropriated in any one year.

SECTION 3 OF THE ACT OF SEPTEMBER 16, 1922

(Sec. 9–603 of the District of Columbia Official Code)

CHAP. 318.—An Act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia.

[SEC. 3. That it shall be the duty of the Chief Engineer of the United States Army, within the first eight hours of daylight after the ceasing to fall of any snow or sleet, or after the accumulation of ice upon the paved sidewalks within the fire limits of the District of Columbia, to remove or cause to be removed from such sidewalks as are in front of or adjacent to all buildings owned or leased by the United States, except the Capitol buildings and grounds and the Congressional Library building, and from all paved sidewalks or crosswalks used as public thoroughfares in front of, around, or through all public squares, reservations, or open spaces within the fire limits of the District of Columbia, owned or leased by the United States, such snow, sleet, and ice; but in the event of inability to remove such accumulation of snow, sleet, and ice, by reason of the hardening thereof, without injury to the sidewalk, it shall be his duty, within the first eight hours of daylight after the hardening of such snow, sleet, and ice, to make reasonably safe for travel, or cause to be made reasonably safe for travel, by the sprinkling of sand or ashes thereon, such paved sidewalks and crosswalks, and shall, as soon thereafter as the weather shall permit, thoroughly clean said sidewalks and crosswalks.]

SEC. 3. (a) It shall be the duty of a Federal agency to remove, or cause to be removed, snow, sleet, or ice from paved sidewalks and crosswalks within the fire limits of the District of Columbia that are—

(1) in front of or adjacent to buildings owned by the United States and under such Federal agency's jurisdiction; or

(2) public thoroughfares in front of, around, or through public squares, reservations, or open spaces and that are owned by the United States and under such Federal agency's jurisdiction.

(b) The snow, sleet, or ice removal required by subsection (a) shall occur within a reasonable time period after snow or sleet ceases to fall or after ice has accumulated. In the event that snow, sleet, or ice has hardened and cannot be removed, such Federal agency shall—

(1) make the paved sidewalks and crosswalks under its jurisdiction described in subsection (a) reasonably safe for travel by the application of sand, ashes, salt, or other acceptable materials; and

(2) as soon as practicable, thoroughly remove the snow, sleet, or ice.

(c)(1) The duty of a Federal agency described in subsections (a) and (b) may be delegated to another governmental or nongovernmental entity through a lease, contract, or other comparable arrangement.

(2) If two or more Federal agencies have overlapping responsibility for the same sidewalk or crosswalk they may enter into an arrangement assigning responsibility.

ACT OF OCTOBER 10, 1980

(Public Law 96–428)

AN ACT To establish the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to protect and interpret for the benefit, inspiration, and education of present and future generations the places where Martin Luther King, Junior, was born, where he lived, worked, and worshipped, and where he is buried, there is hereby established the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historical Park* in the State of Georgia. The national [historic site] *historical park* shall consist of that real property in the city of Atlanta, Georgia, within the boundary generally depicted on the map entitled "Martin Luther King, Junior, National Historic Site Boundary Map", number 489/80,013B, and dated September 1992 together with the property known as 234 Sunset Avenue, Northwest. The map referred to in this subsection shall be on file and available for public inspection in the local and Washington, District of Columbia offices of the National Park Service, Department of the Interior.

(b) In furtherance of the purposes of this Act, there is hereby established the Martin Luther King, Junior, Preservation District, which shall consist of the area identified as "Preservation District" in the map referred to in subsection (a) of this section.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "the Secretary") shall administer the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historical Park* and Preservation District in accordance with the provisions of this Act, and the provisions of law generally applicable to national historic sites, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–7).

(b)(1) Within the national [historic site] *historical park* the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer, or exchange, lands and interests therein, except that property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation or exchange.

* * * * * * *

(3) Property may be acquired pursuant to this section subject to such conditions and reservations as in the judgment of the Secretary are not inconsistent with the purposes of this Act and the administration of the national [historic site] *historical park*, including, in the event that the burial site of Martin Luther King, Junior, is acquired, the condition that his window may be interred therein.

* * * * * * *

(5) Structural space requirements of the National Park Service to meet its administration, operational, and interpretive functions for the national [historic site] *historical park* and preservation district shall, to the maximum extent feasible without displacing residents, be met within the district through the adaptive use of existing structures.

SEC. 3. (a) Within the national [historic site] *historical park*, the Secretary may convey a freehold or leasehold interest in any property, for such sums as he deems appropriate, and subject to such terms and conditions and reservations as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purposes of this Act and the administration of the national [historic site] *historical park*. The Secretary shall offer the last owner or tenant of record a reasonable opportunity to purchase or lease, as appropriate, the property proposed to be conveyed prior to any conveyance under this subsection, and in the case of a lease to such tenant of record, the initial rental charge shall not be substantially more than the last rent paid by the tenant for that property, with any future increases not to exceed the general escalation of rental rates in the surrounding area.

* * * * * * *

(c) The Secretary may, in carrying out his authorities with respect to the interpretation of properties within the national [historic site] *historical park* and the preservation district, accept the services and assistance, with or without reimbursement therefor, of qualified persons and entities to the extent he deems necessary and appropriate. Funds appropriated for the purposes of this Act may be expended for the improvement, restoration, and maintenance of properties in which the Secretary has acquired a leasehold interest.

(d) Notwithstanding any other provision of law, the Secretary shall give first preference to the Martin Luther King, Junior, Center for Social Change with respect to any contract for a concession to sell books, postcards, tapes, or similar types of appropriate mementos related to the purpose of this Act, on facilities operated and maintained by the Secretary within the [historic site] *historical park*: Provided, That agreement can be reached on terms and conditions acceptable to the Secretary.

* * * * * * *

SEC. 4. (a) There is hereby established the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historical Park* Advisory Commission (hereinafter referred to in this section as the "Commission"). The Commission shall consist of thirteen members, eleven of whom shall be appointed by the Secretary as follows:

(1) * * *

* * * * * * *

(c) The function of the Commission shall be to:

(1) advise the Secretary with respect to the formulation and execution of plans for and the overall administration of the national [historic site] *historical park* and the preservation district, including advice with respect to the consummation of cooperative agreements, and interpretation of properties, and the

use and appreciation of the national [historic site] *historical park* and the preservation district by the public;

* * * * * * *

SEC. 5. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the national [historic site] *historical park* or the preservation district established by this Act.

* * * * * * *

SEC. 8. Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the [historic site] *historical park* and the preservation district consistent with the provisions of this Act and pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended (16 U.S.C. 1a–1 et seq.).

ACT OF OCTOBER 13, 1972

AN ACT to designate certain lands in the Lava Beds National Monument in California, as wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, in] ***SECTION 1.*** *In* accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), those lands within the area generally known as the Black Lava Flow in the Lava Beds National Monument comprising about [ten thousand acres, as depicted on the map entitled "Wilderness Plan, Lava Beds National Monument, California", numbered NM–LB–3227H and dated August 1972, and those lands within the area generally known as the Schonchin Lava Flow cromprising about eighteen thousand four hundred and sixty acres, as depicted on such map, are hereby designated as wilderness.] *10,431 acres, as depicted within the proposed wilderness boundary on the map titled "Lava Beds National Monument, Proposed Wilderness Boundary Adjustment", numbered 147/80,015, and dated September 2005, and those lands within the area generally known as the "Schonchin Lava Flow", comprising approximately 18,029 acres, as depicted within the proposed wilderness boundary on the map, are designated as wilderness.* The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

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TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

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SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) * * *

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(c) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in [paragraph (205) of section 3(a)] *paragraph (206) of section 3(a)* of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) * * *

* * * * * * *

(B) the Secretary of the Interior, with respect to each river segment described in [paragraph (205) of section 3(a)] *paragraph (206) of section 3(a)* of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) * * *

* * * * * * *

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) * * *

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the "Secretary") determines to be consistent with this section).

* * * * * * *

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) * * *

* * * * * * *

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) * * *

* * * * * * *

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

* * * * * * *

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) * * *

* * * * * * *

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

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TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

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SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(a) * * *

(b) BALTIMORE NATIONAL HERITAGE AREA.—

(1) * * *

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(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the [Baltimore Heritage Area Association] *Baltimore City Heritage Area Association*.

(4) LOCAL COORDINATING ENTITY.—The [Baltimore Heritage Area Association] *Baltimore City Heritage Area Association* shall be the local coordinating entity for the Heritage Area.

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(i) TERMINATION OF [EFFECTIVENESS] *FINANCIAL ASSISTANCE*.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

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SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) * * *

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(j) TERMINATION OF [EFFECTIVENESS] *FINANCIAL ASSISTANCE*.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

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SECTION 6 OF THE ACT OF OCTOBER 23, 1972

(Public Law 92–536)

An Act to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

SEC. 6. (a) * * *

(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, horseback riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be permanently preserved in its primitive state, and, except as provided in subsection (c), no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the [physiographic conditions not prevailing] *physiographic conditions now prevailing*, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

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CONSOLIDATED NATURAL RESOURCES ACT OF 2008

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TITLE IV—NATIONAL HERITAGE AREAS

SUBTITLE A—JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA

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Subtitle B—Niagara Falls National Heritage Area

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SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.

(a) * * *

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(k) USE OF FEDERAL FUNDS.—[Except as provided for the leasing of administrative facilities under subsection (g)(1), the] *The* Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.

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